

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

AllSouth Federal Credit Union,) Civil Action No. 3:13-cv-01035-JFA
)
 Plaintiff,)
)
 vs.) ORDER REQUIRING PRODUCTION OF
) DOCUMENTS
John Does and Jane Does,)
)
 Defendants.)
)

WHEREAS, Plaintiff, AllSouth Federal Credit Union ("AllSouth") contends that it was the victim of a SMS phishing scam;

WHEREAS, Plaintiff has alleged in its complaint that a user, customer, or subscriber of babyTEL, Inc. ("babyTEL") fraudulently accessed AllSouth's online banking system and attempted to make unlawful and unauthorized bank transfers during the relevant time period;

WHEREAS, telephone numbers 888-214-0828, 888-244-9240, 888-213-4830 and 888-248-9742, are connected to several of the allegedly unauthorized transactions and the telecommunications service provider connected with these telephone numbers has been identified as babyTEL;

WHEREAS, the information sought by AllSouth may not be obtained from any other source, is material to the issues involved in this case, and is essential to the identification of Defendants in this matter.

NOW THEREFORE, this Court grants the Plaintiff's Motion, and it is hereby ORDERED that babyTEL, disclose the following customer proprietary network information relating to telephone numbers 888-214-0828, 888-244-9240, 888-213-4830 and 888-248-9742, for the dates of April 1 through April 30, 2013:

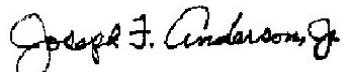
- Name;
- Address;
- Length of service (including start date);
- Types of service utilized;
- Telephone or instrument number, or other subscriber identity (including any temporarily assigned network address); and
- Means and source of payment (including any credit card or bank account number).

IT IS FURTHER ORDERED THAT if any of the customer proprietary network information requested above is no longer available for this period, babyTEL shall then provide the earliest available customer proprietary network information that is the closest to the original requested dates.

IT IS FURTHER ORDERED THAT any information disclosed to Plaintiff in response to this order may be used by Plaintiff solely for the purpose of protecting Plaintiff's rights under the Trademark Act of 1946 as amended, 15 U.S.C. §§ 1051 et seq. (the "Lanham Act"), the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961 et seq., and the laws of the state of South Carolina as enumerated in the Complaint.

IT IS FURTHER ORDERED THAT any subpoena issued pursuant to this order shall be deemed an appropriate court order.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.
United States District Judge

August 5, 2013
Columbia, South Carolina